REMARKS

Favorable reconsideration of this application, as presently amended, is respectfully requested.

Claims 1-35 are pending in this application. Claims 11-31 stand withdrawn.

Independent claims 1 and 33 have been amended hereby. Claim 32 is a product-by-process claim based on claim 1. Claim 35 is newly added.

The present invention is directed to a method, computer storage device and imaging device that enables a user to assess the appearance that an accessed digital image would have on a selected output image product by digitally modifying the accessed image to reflect the effect that the selected output image product would have on the unmodified digital image. In this way, the user is able to determine the ability of the output image product to provide a suitable resultant image product that is acceptable to the user.

To this end, the independent claims have been amended to more clearly bring out this novel aspect of the invention by reciting:

> "digitally modifying at least a portion of the accessed digital image using the imaging device, the modification being based on parameters of the selected output product which impact on the appearance of the digital image in the output image product, to generate an adjusted digital image which represents how the accessed digital image would appear in at least a portion of the output image product; and
>
> "displaying, using the viewing member, for assessment by the user, the adjusted digital image of the at least a portion of the output image product.

Support for these recitals may be found in the specification at page, lines 1-3 and 16-17 and at page 11, lines 11-14.

Claims 1, 2, 5, 6, 8, 10, 33 and 34 stand rejected under 35 U.S.C. 102(b) as being anticipated by Fellegara et al. US 5,845,166.

The Fellegara et al. reference discloses a specialized hybrid digital/film camera that enables the camera user to select a desired mode of capture operation (digital image, film image or hybrid digital and film image). The user is also enabled to select a desired captured image format (aspect ratio) at the time of image capture. When an image is captured, a digital image is generated and stored in either a base camera memory 126 (for film capture mode operation) or in a memory card coupled to a interface connector 130 (for digital image and hybrid image capture modes). A camera display unit 36 can be

activated by the user to review any of the images stored on the base memory unit or in the connected memory card. Various editing functions are provided for when reviewing the displayed images including editing to change a previously selected image format (aspect ratio). Once changed, the new format selection is recorded in an image information file (IIF), separate from the image data file (IDF) and is used to control subsequent photofinishing operations.

There is no disclosure in Fellegara et al. of the selection of an output image product as is set forth in the claims. The Examiner interprets the claimed step of "selecting the output image product intended to include the digital image" as reading on Fellegara et al.'s selection of the "print copy icon 210". A careful reading of the cited portion of the text, however, shows that the cited icon is used to select the number of copies to be printed and is in no way selecting an output image product as the phrase is defined and used in the present application (page 25, lines 23-27).

Fellegara et al.'s other selections are limited to format selection and editing functions that flow forward to control subsequent photofinishing operations. They do not reflect or relate in any manner to selecting an output product as explained above and recited in the claims. Moreover, format editing changes selected by the camera user after capturing of the images are displayed by means of appropriate masks in the display (col. 15, line 37) and not as a consequence of digitally modifying the digital image.

As a consequence, Fellegara et al. does not disclose or suggest the following feature as set forth in amended independent claims 1 and 33:

> "...digitally modifying at least a portion of the accessed digital image using the imaging device, the modification being based on parameters of the selected output product which impact on the appearance of the digital image in the output image product, to generate an adjusted digital image which represents how the accessed digital image would appear in ... the output image product."

Accordingly, it is respectfully submitted that with the present amendments, claims 1 and 33 and dependent claims 2, 5, 6, 8, 10, and 34, now clearly patentably define over Fellegara et al. and allowance thereof is respectfully requested.

Claims 1, 4, 8, 9, and 32 stand rejected under 35 U.S.C. (102b) as being anticipated by Marni US 6,285,410.

Marni discloses a method and system for removing flash artifacts (red eye) from digital images. As described in the text, a previously accessed

image is displayed on a touch sensitive screen 440 and the user positions a target circular cursor over the portions of the image (pupils) to be modified for red eye removal. Once this is done, a removal red eye button 510 is pressed to initiate image processing according to the algorithms of Figs. 2 and 3 to automatically identify flash corrupted pixels and to make the appropriate corrections.

Contrary to the Examiner's assertion, there is no disclosure in this reference of the step or feature of selecting an output image product (print, reprint, poster, floppy disc, mug, tee-shirt, CD or other product comprising the image, such as a digital file for storage). The print 22 in Marni, referred to by the Examiner, is merely the result of ordering a print of the final image and there is no suggestion of any selection of a particular output product. More importantly, the print order is made after the accessed digital image is processed for red-eye removal. There is no disclosure or suggestion of the selection of a print output product that impacts on the digital modifying step as set forth in the presently amended claims. More specifically, there is no disclosure or suggestion of the presently claimed steps of:

> "...digitally modifying at least a portion of the accessed digital image using the imaging device, the modification being based on parameters of the selected output product which impact on the appearance of the digital image in the output image product, to generate an adjusted digital image which represents how the accessed digital image would appear in ... the output image product."

It should be emphasized that Marni digitally modifies the accessed digital image to remove artifacts that exist in the original image. The modifications of Marni are not based on parameters of the selected output product.

Accordingly, it is submitted that claims 1, 4, 8, 9, and 32, as amended, now define patentably over the Marni reference and allowance thereof is respectfully requested.

Claim 3, stands rejected under 35 U.S.C. 103 as being unpatentable over Marni in view of Wong et al. US 2003/0058355 and claim 7 stands rejected under 35 U.S.C. 103 as being unpatentable over Fellegara et al. in view of Steinberg US 6,006,039.

Both claims 3 and 7 are dependent from claim 1 and are therefore believed to allowable for the same reasons as set forth with respect to claim 1.

Newly added claim 35 recites the novel feature of zooming in to a portion of the adjusted digital image to enable the user to assess whether sharpness or focus of adjusted digital image is adequate for the user's needs. Support for this feature is found in the specification at page 11, lines 23-26. Claim 35 is dependent from claim 1 and is therefore believed to be allowable for the same reasons as set forth for claim 1. Allowance thereof is respectfully requested.

In view of the foregoing comments, it is submitted that the inventions defined by each of claims 1-10, 32-35 are patentable, and a favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.